

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant amends claim 1. No new matter is added. Claims 1-5, 25 and 28 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 1-5, 25 & 28 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-5, 25 and 28 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. (See pg. 3 of the Office Action) In particular, the Examiner alleges that claim 1 is indefinite because “the restocking location” lacks antecedent basis. (See *id.*)

Applicant herein amends independent claim 1 and submits that the self-explanatory amendments to claim 1 overcome the rejection. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 112, second paragraph rejection of claim 1 and its dependent claims 2-5, 25 and 28.

II. Rejection of Claims 1, 3 & 25 Under 35 U.S.C. § 103(a)

Claims 1, 3 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Renz et al. (U.S. Patent No. 7,222,786; hereinafter “Renz”) in view of Frederick (U.S. Patent No. 6,112,502; hereinafter “Frederick”) and Liff et al. (U.S. Patent No. 6,608,156; hereinafter “Liff”).

In contrast to amended claim 1, Renz, Frederick and Liff, taken individually or in combination, do not teach or suggest and are altogether silent regarding a computer-implemented method comprising, *inter alia*, grouping, at a restocking storage location, a restocking order with one or more additional restocking orders received to automatically determine the most efficient picking path for generating one or more restocking packages.

Contrary to amended claim 1, Renz, Frederick and Liff, alone or in combination, are altogether silent and do not teach or suggest grouping any restocking order with additional restocking orders at a restocking location to automatically determine the most efficient picking path for generating one or more restocking packages. The combination of Renz, Frederick and

Liff does not contemplate grouping restocking orders at a restocking location to automatically determine the most efficient picking path for generation of restocking packages, as recited by claim 1. The combination of Renz, Frederick and Liff is deficient for at least this reason.

Based on at least the foregoing reasons, the combination of Renz, Frederick and Liff is deficient and does not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 3 and 25.

III. Rejection of Claims 2, 4 & 28 Under 35 U.S.C. § 103(a)

Claims 2, 4 and 28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Renz, Frederick, Liff and the Examiner's Official Notice. Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, Renz, Frederick, and Liff, taken individually or in combination, are deficient vis-à-vis independent claim 1 and the Examiner's Official Notice does not make up for the deficiencies of Renz, Frederick and Liff and is not cited for such. Accordingly, Applicant submits that dependent claims 2, 4 and 28 are patentable at least by virtue of their respective dependencies from claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 2, 4 and 28.

IV. Rejection of Claim 5 Under 35 U.S.C. § 103(a)

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Renz, Frederick, Liff, the Examiner's Official Notice and Lester et al. (U.S. Patent No. 6,021,392; hereinafter "Lester"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, Renz, Frederick, and Liff, taken individually or in combination, are deficient vis-à-vis independent claim 1 and the Examiner's Official Notice and Lester do not make up for the deficiencies of Renz, Frederick and Liff and are not cited for such. Accordingly, Applicant submits that dependent claim 5 is patentable at least by virtue of its dependency from claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claim 5.

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Response to Office Action dated August 3, 2010

V. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Sheikh is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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